

MICHIGAN ELECTION LAW (EXCERPT)
Act 116 of 1954

168.952 Recall petitions; requirements; submission to board of county election commissioners; determination; notice; meeting; presentation of arguments; appeal; validity of petition.

Sec. 952. (1) A petition for the recall of an officer shall meet all of the following requirements:

(a) Comply with section 544c(1) and (2).

(b) Be printed.

(c) State clearly each reason for the recall. Each reason for the recall shall be based upon the officer's conduct during his or her current term of office. The reason for the recall may be typewritten.

(d) Contain a certificate of the circulator. The certificate of the circulator may be printed on the reverse side of the petition.

(e) Be in a form prescribed by the secretary of state.

(2) Before being circulated, a petition for the recall of an officer shall be submitted to the board of county election commissioners of the county in which the officer whose recall is sought resides.

(3) The board of county election commissioners, not less than 10 days or more than 20 days after submission to it of a petition for the recall of an officer, shall meet and shall determine whether each reason for the recall stated in the petition is of sufficient clarity to enable the officer whose recall is sought and the electors to identify the course of conduct that is the basis for the recall. Failure of the board of county election commissioners to comply with this subsection shall constitute a determination that each reason for the recall stated in the petition is of sufficient clarity to enable the officer whose recall is being sought and the electors to identify the course of conduct that is the basis for the recall.

(4) The board of county election commissioners, not later than 24 hours after receipt of a petition for the recall of an officer, shall notify the officer whose recall is sought of each reason stated in the petition and of the date of the meeting of the board of county election commissioners to consider the clarity of each reason.

(5) The officer whose recall is sought and the sponsors of the petition may appear at the meeting and present arguments on the clarity of each reason.

(6) The determination by the board of county election commissioners may be appealed by the officer whose recall is sought or by the sponsors of the petition drive to the circuit court in the county. The appeal shall be filed not more than 10 days after the determination of the board of county election commissioners.

(7) A petition that is determined to be of sufficient clarity under subsection (1) or, if the determination under subsection (1) is appealed pursuant to subsection (6), a petition that is determined by the circuit court to be of sufficient clarity is valid for 180 days following the last determination of sufficient clarity under this section. A recall petition that is filed under section 959 or 960 after the 180-day period described in this subsection is not valid and shall not be accepted pursuant to section 961. This subsection does not prohibit a person from resubmitting a recall petition for a determination of sufficient clarity under this section.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1976, Act 66, Imd. Eff. Apr. 2, 1976;—Am. 1982, Act 456, Imd. Eff. Dec. 30, 1982;—Am. 1993, Act 45, Imd. Eff. May 27, 1993;—Am. 1993, Act 137, Eff. Jan. 1, 1994.

Popular name: Election Code